

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**JOHN DOE**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO.: 3:18CV63-DPJ-FKB**

**STATE OF MISSISSIPPI; ET AL.**

**DEFENDANTS**

**MOTION TO COMPEL DISCOVERY**

**\*URGENT AND NECESSITOUS\***

COMES NOW, Plaintiff John Doe, by and through undersigned counsel and pursuant to Federal Rules of Civil Procedure 26, 33 and 34, and moves this Court to enter an Order compelling the University of Mississippi and Jeffrey S. Vitter, in his official capacity, (collectively referred to as “the University” to produce certain discovery responses. In support of the motion, the Plaintiff would show as follows:

1. On June 29, 2018, in response to a motion for preliminary, expedited discovery in this matter, the Court held a telephonic hearing with the parties. After considering the filings and arguments of counsel, on July 2, 2018, the Court entered an Order addressing the scope of the expedited discovery that would be permitted. [Doc. 69]
2. The Plaintiff propounded written discovery to the University of Mississippi and Chancellor Vitter, in his official capacity, on July 2, 2018. [Doc. 67, 68] The responses were due on July 17, 2018.
3. On July 17, 2018, unsigned interrogatories were produced by the University and Vitter, as were written objections to the requests for production and a motion for protective order seeking additional time to produce documents. [Doc. 71, 72, 73]

4. Because the discovery responses of the University were replete with objections and no documents of any kind were provided with the University's discovery responses, a good faith letter seeking substantive responses and document production was sent by the Plaintiff on July 18, 2018. *See Exhibit "B"*. Efforts were made to resolve the dispute and subsequently, on July 20, 2018, the Court held a discovery conference with counsel. *See Exhibit "C"*.
5. At the discovery conference, the Court indicated it would allow the University additional time to serve responsive documentation due to the notice being given to impacted students. [Doc. 74] Counsel was advised that other discovery disputes could be considered after production and raised by motion.
6. On August 1, 2018, the University produced documents responsive to discovery. *See Exhibit "D"*. The signature page for the interrogatory responses of the University and Chancellor Vitter, which were signed by Honey Ussery, was produced until August 3, 2018. *See Exhibit "E"*. Supplemental written responses were not provided.
7. For the reasons set forth in the accompanying memorandum and incorporated herein by reference, the Plaintiff seeks a Court Order compelling the University to provide additional responsive information to certain interrogatories and requests for production.
8. In support of this Motion, the Plaintiff relies on the following exhibits, as well as his supporting Memorandum of Law:
  - A. July 17, 2018 Email and written discovery responses
  - B. July 18, 2018 Email regarding discovery responses
  - C. July 18, 2018 Good Faith Letter

- D. August 1, 2018 production
- E. August 3, 2018 production
- F. August 6, 2018 Good Faith correspondence

WHEREFORE, premises considered, the Plaintiff respectfully request this Court grant his Motion to Compel in its entirety.

RESPECTFULLY SUBMITTED, this, the 6<sup>th</sup> day of August 2018.

Respectfully submitted,  
**JOHN DOE**

/s/ Michelle T. High  
Michelle T. High

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**CERTIFICATE OF SERVICE**

I, Michelle T. High hereby certify that I have this day filed the foregoing document electronically with the U.S. District Court, Southern District of Mississippi Clerk of Court's PACER/ECF system which gives electronic notice to the following:

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**COUNSEL FOR DEFENDANTS**

SO CERTIFIED, this the 6<sup>th</sup> day of August 2018.

*/s/ Michelle T. High*  
Michelle T. High